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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,986	06/15/2006	Ken Nakashima	1248-0873PUS1	9220
2252	7590	02/23/2009		
BIRCH STEWART KOLASCH & BIRCH			EXAMINER	
PO BOX 747			RIZK, SAMIR WADIE	
FALLS CHURCH, VA 22040-0747			ART UNIT	PAPER NUMBER
			2112	
NOTIFICATION DATE	DELIVERY MODE			
02/23/2009	ELECTRONIC			

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/582,986	NAKASHIMA, KEN
	<b>Examiner</b>	Art Unit
	SAM RIZK	2112

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 15 June 2006.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 6-15,17 and 18 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 6-15,17 and 18 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 15 June 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/06)  
 Paper No(s)/Mail Date 0/15/2006

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

***DETAILED ACTIONS***

- Claims 1-5 and 16 have been cancelled
- Claims 6-15, 17 and18 have been submitted for examination
- Claims 6-15, 17 and18 have been rejected

***Specification***

1. The abstract of the disclosure is objected to because the abstract should be limited to less than 150 words (15 lines).  
Correction is required. See MPEP § 608.01(b).
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Claim Objections***

3. Claims 12 and 13 are objected to because the mnemonics "TID" must be called in full name "Traffic IDentification" first time being cited in the claim language.  
Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 17 is rejected under 35 U.S.C. 101 because the claim invention is directed to non-statutory subject matter.

The communications program cited in claim 17 must be stored in a tangible storage medium (as cited in the independent claim 18) and executed by a computer.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 6-15, 17 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Ginzburg US publication no. 2005/0111416 (Hereinafter Ginzburg).
6. In regard to claim 6, Ginzburg teaches:  
(Currently Amended) A receiving station in compliance with a communications method capable of switching between a NormalAck scheme and a BlockAck scheme in the receiving station returning an Ack for a received data frame, the receiving station, if not having received a data frame requesting the BlockAck scheme within a predetermined period (Figure 1, ref. (42) in Ginzburg) regardless of whether the receiving station has or has not received a data frame

requesting the NormalAck scheme, regarding use of the BlockAck scheme as having been terminated and releasing resource being used for the BlockAck scheme.

(Figure 1, ref. (42) and section [0024] in Ginzburg)

7. Claims 7 and 10 - 12 are rejected for the same reasons as per claim 1.
8. In regard to claim 8, Ginzburg teaches:
  - (Currently Amended) A receiving station in compliance with a communications method capable of switching between a NormalAck scheme and a BlockAck scheme in the receiving station returning an Ack for a received data frame, the receiving station, if not having received a BlockAck request frame within a predetermined period regardless of whether the receiving station has or has not received a data frame, regarding use of the BlockAck scheme as having been terminated and releasing resource being used for the BlockAck scheme.
9. Claims 9, 13 and 14 are rejected for the same reasons as per claim 8.
10. In regard to claim 15, Ginzburg teaches:
  - (Currently Amended) A receiving station capable of switching between a NormalAck scheme and a BlockAck scheme in returning an Ack for a received data frame, said receiving station comprising:
    - timer; and

(Figure 1, ref. (42) in Ginzburg)

- a timer control mechanism for resetting the timer upon receiving at least one of a data frame requesting the BlockAck scheme and a BlockAck request frame within a predetermined period; and
- (Figure 1, ref. (34) in Ginzburg)
- resource control mechanism for regarding use of the BlockAck scheme as having been terminated and releasing resource being used for the BlockAck scheme when the timer has reaches a predetermined period.  
(section [0024] in Ginzburg)

11. Claims 17 and 18 are rejected for the same reasons as per claim 1.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Nanda et al. US publication no. 0050135284 teaches MAC processing for efficient use of high throughput systems and that may be backward compatible with various types of legacy systems in 802.11 a/b/g/e wireless system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Rizk whose telephone number is (571) 272-8191. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Baderman can be reached on (571) 272-3644. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronics Business Center (EBC) at 866-217-9197 (toll-free)

/Sam Rizk/  
Examiner, Art Unit 2112